

House File 440 - Enrolled

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HOUSE FILE 440

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1 3 AN ACT
1 4 RELATING TO SANCTIONING THE MOTOR VEHICLE OPERATING PRIVILEGES
1 5 OF A PERSON UPON A SECOND OR SUBSEQUENT CONVICTION FOR MOTOR
1 6 FUEL THEFT FROM A RETAIL DEALER.

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1 8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 10 Section 1. Section 321.215, subsection 1, unnumbered
1 11 paragraph 2, Code 2005, is amended to read as follows:

1 12 However, a temporary restricted license shall not be issued
1 13 to a person whose license is revoked pursuant to a court order
1 14 issued under section 901.5, subsection 10, or under section
1 15 321.209, subsections 1 through 5 or subsection 7, or to a
1 16 juvenile whose license has been suspended or revoked pursuant
1 17 to a dispositional order under section 232.52, subsection 2,
1 18 paragraph "a", for a violation of chapter 124 or 453B, or
1 19 section 126.3, or to a person whose license has been suspended
1 20 pursuant to a court order under section 714.7D. A temporary
1 21 restricted license may be issued to a person whose license is
1 22 revoked under section 321.209, subsection 6, only if the
1 23 person has no previous drag racing convictions. A person
1 24 holding a temporary restricted license issued by the
1 25 department under this section shall not operate a motor
1 26 vehicle for pleasure.

1 27 Sec. 2. Section 321.215, subsection 2, unnumbered
1 28 paragraph 1, Code 2005, is amended to read as follows:

1 29 Upon conviction and the suspension or revocation of a
1 30 person's noncommercial driver's license under section 321.209,
1 31 subsection 5 or 6; section 321.210; 321.210A; or 321.513; or
1 32 upon revocation pursuant to a court order issued under section
1 33 901.5, subsection 10; or upon the denial of issuance of a
1 34 noncommercial driver's license under section 321.560, based
1 35 solely on offenses enumerated in section 321.555, subsection
2 1 1, paragraph "c", or section 321.555, subsection 2; or a
2 2 juvenile, whose license has been suspended or revoked pursuant
2 3 to a dispositional order under section 232.52, subsection 2,
2 4 paragraph "a", for a violation of chapter 124 or 453B, or
2 5 section 126.3, or upon suspension of a driver's license
2 6 pursuant to a court order under section 714.7D, a person may
2 7 petition the district court having jurisdiction over the
2 8 residence of the person for a temporary restricted license to
2 9 operate a motor vehicle for the limited purpose or purposes
2 10 specified in subsection 1. The petition shall include a
2 11 current certified copy of the petitioner's official driving
2 12 record issued by the department. The application may be
2 13 granted only if all of the following criteria are satisfied:

2 14 Sec. 3. NEW SECTION. 714.7D RETAIL MOTOR FUEL.
2 15 Upon a second or subsequent conviction of a person under
2 16 section 714.2, subsection 5, for theft of motor fuel from a
2 17 retail dealer as defined in section 214A.1, the court may
2 18 order the state department of transportation to suspend the
2 19 driver's license or nonresident operating privilege of the
2 20 convicted person for up to thirty days in lieu of, or in
2 21 addition to, a fine or imprisonment.

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2 25 _____
2 26 CHRISTOPHER C. RANTS
2 27 Speaker of the House

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2 29 _____
2 30 JOHN P. KIBBIE
2 31 President of the Senate

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2 33 I hereby certify that this bill originated in the House and
2 34 is known as House File 440, Eighty-first General Assembly.

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3 3 _____
3 4 MARGARET THOMSON
3 5 Chief Clerk of the House

3 5 Approved _____, 2005

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3 9 THOMAS J. VILSACK

3 10 Governor